

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL FLOOD, JR. and ALECIA
FLOOD, individually and as Parents and
Natural Guardians of T.F., a minor,

Plaintiffs,
vs.

GEORGE VILLEGAS, JR. and PAM
VILLEGAS, individually and as Parents
and Natural Guardians of MEGAN
VILLEGAS; DAVID and CHRISTY
SHERK, individually and as Parents and
Natural Guardians of K.S., a minor; DAVID
and CHRISTINE SEAMAN, individually
and as Parents and Natural Guardians of
C.S., a minor; CRIS and KIMBERLY
SALANCY, individually and as Parents
and Natural Guardians of E.S., a minor;
DAVID and LYNN REINA, individually and
as Parents and Natural Guardians of H.R.,
a minor; SENECA VALLEY SCHOOL
DISTRICT; BUTLER COUNTY DISTRICT
ATTORNEY'S OFFICE; and BUTLER
COUNTY, PENNSYLVANIA,

Defendants.

Civil Action No. 2:18-cv-01310-MRH

JUDGE MARK R. HORNAK

ELECTRONICALLY FILED

JURY TRIAL DEMANDED

STIPULATED PROTECTIVE ORDER

AND NOW, come MICHAEL FLOOD, JR. and ALECIA FLOOD, individually and as Parents and Natural Guardians of T.F., a minor, GEORGE VILLEGAS, JR. and PAM VILLEGAS, individually and as Parents and Natural Guardians of MEGAN VILLEGAS; DAVID and CHRISTY SHERK, individually and as Parents and Natural Guardians of K.S., a minor; DAVID and CHRISTINE SEAMAN, individually and as Parents and Natural Guardians of C.S., a minor; CRIS and

KIMBERLY SALANCY, individually and as Parents and Natural Guardians of E.S., a minor, SENECA VALLEY SCHOOL DISTRICT; BUTLER COUNTY DISTRICT ATTORNEY'S OFFICE; and BUTLER COUNTY, PENNSYLVANIA, (the "Represented Parties"), by and through their undersigned counsel, and file the within Stipulated Protective Order, as follows:

WHEREAS, on November 8, 2018, Defendants, DAVID and CHRISTINE SEAMAN, individually and as Parents and Natural Guardians of C.S., a minor, served upon Defendants, BUTLER COUNTY DISTRICT ATTORNEY'S OFFICE and BUTLER COUNTY, PENNSYLVANIA (hereinafter "County Defendants"), discovery requests pursuant to Federal Rules of Civil Procedure 34(a)(1)(A)-(B) seeking production of "a complete copy of the investigation file of Butler County District Attorney's Office of or concerning the parties to this action including video recordings of testimony by all witnesses."

WHEREAS, County Defendants aver that the production sought may contain sensitive, confidential information from the minor parties in the above-referenced action and believe that such production may be limited by the Pennsylvania Juvenile Act absent a Court Order.

WHEREAS, on December 6, 2018, Plaintiffs, MICHAEL FLOOD, JR. and ALECIA FLOOD, individually and as Parents and Natural Guardians of T.F., a minor, filed a Motion for Protective Order to preclude disclosure of the contents of the Butler County District Attorney's Office file averring that the Seaman Defendants' request was premature (ECF No. 65).

WHEREAS, on December 6, 2018, the Court granted Plaintiffs' Motion for Protective Order to the extent that County Defendants shall not respond to Seaman Defendants' discovery requests until further notice or direction is given by the Court. (ECF No. 67).

WHEREAS, on January 28, 2019, the represented individual Defendants filed a Joint Motion to Modify Protective Order seeking to permit disclosure of the Butler County District Attorney's Office file pursuant to a confidentiality order (ECF No. 83).

WHEREAS, the Court held oral argument on April 5, 2019 on various matters, including the individual Defendants' Joint Motion to Modify Protective Order. The Court denied the Joint Motion to Modify Protective Order without prejudice subject to the Represented Parties consulting and submitting a stipulated order setting forth agreed terms for inspection of the Butler County District Attorney's Office's file. (ECF No. 94).

WHEREAS, the represented individual Defendants desire to review the contents of the Butler County District Attorney's Office file.

WHEREAS, the Represented Parties seek to protect the nature of the information and documents within the Butler County District Attorney's Office from disclosure to the public or other disclosure outside of counsel in the above-referenced action.

THEREFORE, in accordance with the Court's ruling at oral argument on April 5, 2019, and the Court's Memorandum Order (ECF No. 94), the parties hereby agree and stipulate as follows:

1. The documents and recordings in the file relating to the minor, T.F. in the Butler County District Attorney's Office are herein designated as "confidential" and shall be treated as such in accordance with the terms of this Stipulation Protective Order, unless otherwise set forth herein.

2. The terms of this Stipulated Protective Order apply to any confidential documents or recordings already in the possession of any party or counsel which may have come from or also are or were part of the file relating to the minor, T.F. in the Butler County

District Attorney's Office, provided, however, that documents contained in the file that have already been made public by plaintiffs through attachment to their Complaint shall not be treated as confidential. The parties and their counsel agree that the County Defendants are not liable to any of them for Plaintiffs disclosure of said documents.

3. The confidential documents and recordings shall be examined and inspected only by counsel of record for the Represented Parties at the office of counsel for the County Defendants at a mutually agreeable time.

4. The confidential documents and recordings shall not be produced, reproduced, or disseminated by any counsel to anyone, nor shall their contents be disclosed by any counsel for any reason except in conjunction with this litigation to parties represented by counsel, to insurance carrier representatives for such parties or to the Court until further Order of the Court. Except as permitted by subsequent agreement or Order, no copies of the confidential documents or recordings will be provided to any counsel.

5. The contents of such confidential documents and recordings shall be held by counsel in strict confidence, except as necessary to comply with the Court's pleading requirements, and shall not be shared with any individual, unrepresented party or with the media.

6. The foregoing is without prejudice to the right of any party to apply to the Court for a further protective order relating to any particular documents or information, to object to any discovery request involving the confidential documents and recordings, or to apply to the Court for a modification of this agreement and Stipulated Protective Order.

7. The parties to this Stipulated Protective Order consent to the jurisdiction of this Court for the purposes of determining: (1) if any party believes that there has been a breach of the terms of this agreement; (2) whether such breach has occurred; and (3) what damages have resulted from any such breach.

s/Craig L. Fishman
Craig L. Fishman, Esquire
(Counsel for Plaintiffs)

s/Stephen J. Magley
Stephen J. Magley, Esquire
(Counsel for David and Christine Seaman)

s/Joseph V. Charlton
Joseph V. Charlton, Esquire
(Counsel for George, Pam and Meghan Villegas)

s/Jennifer M. Swistak
Jennifer M. Swistak, Esquire
(Counsel for Cris and Kimberly Salancy)

s/Jill D. Sinatra
Jill D. Sinatra, Esquire
(Counsel for David and Christy Sherk)

s/S. Michael Streib
S. Michael Streib, Esquire
(Counsel for Cris and Kimberly Salancy)

s/Matthew M. Hoffman
Matthew M. Hoffman, Esquire
(Counsel for Seneca Valley School District)

s/Marie Milie Jones
Marie Milie Jones, Esquire
(Counsel for Butler County District Attorney's Office
and Butler County)

ENTERED this _____ day of _____, 2019.

BY THE COURT:

_____, J.